

**REMARKS**

Claims 1-14 are all the claims pending in the application. Claims 1-14 have been amended for form and clarity. These amendments are supported in the originally-filed specification at pages 2 and 4. Applicant respectfully submits that no new matter has been entered by the amendments and as such, respectfully requests their entry by the Examiner.

**I. Objections to the Specification**

Applicant respectfully requests the Examiner to withdraw the objection in view of the self-explanatory amendments shown above.

**II. Drawings**

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: R<sub>1</sub>, R<sub>2</sub>, R<sub>A</sub> and R<sub>B</sub>. Applicant has amended the specification to include the missing reference characters. Applicant submits that no new matter has been entered by this amendment and further submits that the amendment satisfies the Examiner's objection. As such, Applicant respectfully requests the Examiner withdraw the objection to the drawings.

**III. Claim Objections**

Claims 1-14 are objected to because of informalities. Applicant respectfully requests that the Examiner withdraw the objection in view of the self-explanatory claim amendments shown above.

**IV. Claim Rejections - 35 U.S.C. § 112**

Claims 4, 8 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out distinctly claim the subject matter which applicant regards as the invention.

Claim 4 has been amended to eliminate the issues with regard to antecedent basis. As such, Applicant respectfully requests the Examiner withdraw the objection to this claim.

The Examiner rejected claims 8 and 13 on the basis that the claim language is unclear in view of the specification. However, Applicant asserts that the rejected claim language “to anticipate return microflows” is not unclear in view of the specification. Specifically, the correlation means is adapted to anticipate that return microflows are likely to be sent and as such, it takes steps to this end. (Specification, P. 4, Ln. 20-34). Accordingly, Applicant respectfully requests the Examiner withdraw the objections to these claims.

**V. Claim Rejections - 35 U.S.C. § 102**

Claims 1-6 and 8-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Roberts (US 2002/0057699). Applicant respectfully traverses the rejection with respect to the claims, as now amended.

**Claim 1 and Dependents:**

Claim 1, as amended, recites,

A system for controlling a data network, comprising:

means for receiving quality of service requests that each correspond to a respective microflow;

control means for controlling elements of said data network; and

means for correlating the quality of service requests;

wherein the control means effects said control of said elements of said data network only once for the quality of service requests of each set of microflows defined in that the quality of service request of each microflow is correlated with the quality of service request of every other microflow in said set.

In the office action, the Examiner asserted that Roberts teaches “**quality of service requests that each correspond to a respective microflow,**” and “**correlating the quality of**

service requests” and “effect[ing] said control of said elements of said data network only once for the quality of service requests of each set of microflows.” Applicant submits that this is incorrect.

Roberts is a teaching of managing data communication on a “per microflow” level. In other words, only the first data packet in a microflow has a quality of service indication and the rest of the microflow is correlated to that **data packet’s quality of service**. There is no connection between separate microflows. There is no teaching in Roberts of “receiving quality of service requests that each correspond to a **respective microflow**,” “correlating the quality of service requests,” and then “effect[ing] said control of said elements of said data network only once for the quality of service requests of each set of microflows.” Figures 3A and 3B do not show multiple microflows as asserted by the Examiner. Rather, the figures show **one microflow composed of a plurality of data packets**. Thus, these figures do not show “only one of the **microflows** that are correlated contains a QoS field” but rather only one of the data packets of a **microflow**. (Office Action, P. 5 and Roberts, Fig. 3A and 3B).

Accordingly, Applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. § 102(e) by Roberts, because the reference does not disclose all of the features and limitations of the claim. Untaught and non-obvious modifications would have been necessary. As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2-6 and 8 at least by virtue of their dependency from claim 1. Further, Applicant requests that the Examiner withdraw the rejection of independent claim 9 and 10-11 which depend from claim 9 for the same or similar reasons.

**VI. Claim Rejections - 35 U.S.C. § 103(a)**

**Claim 4:**

Claim 4 (4/1) is rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts as supplied to claim 1 above, and further in view of Zadikian et al. (US 6,631,134). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Roberts is deficient vis-à-vis independent claims 1 and 9. Applicant respectfully submits that Zadikian fails to compensate for the deficiencies of Roberts. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1, much less dependent claim 4.

Therefore, claim 4 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

**Claims 7 and 12:**

Claims 7 (7/1) and 12 (12/9) are rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts as applied to claims 1 and 9 above, and further in view of Hauck (US 6,977,932). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Roberts is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Hauck fails to compensate for the deficiencies of Roberts. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 9, much less dependent claims 7 and 12.

Therefore, claims 7 and 12 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

**Claim 14:**

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of Eard, et al. (US 2002/0069238). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Roberts is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Roberts is deficient with regard to independent claim 14 for the same or similar reasons. Further, Applicant respectfully submits that Eard fails to compensate for the deficiencies of Roberts. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 14.

Therefore, claim 14 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

**VII. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time, if necessary. Unless a check is attached, any fee due under 37 C.F.R. § 1.17(a) is being paid via the USPTO Electronic Filing System, or if not paid through EFS, the USPTO is directed and authorized to charge all required

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fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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